

THE TIMES-DISPATCH. RICHMOND, VA., TUESDAY, JANUARY 14, 1908.

THAW INSANE MAN, HIS COUNSEL'S PLEA

Neither White's Slayer nor
His Family to be Spared
in Proving This.

MIND NOT RIGHT WHILE ABROAD

Doctors and Nurses to Be Brought
to Show That He Was Insane
in Rome, Monte Carlo and
Kondá—Premeditated
Murder, Declares
Garvan.

NEW YORK, January 13.—The Thaw trial moved with a rush to-day. After the State had presented its direct case and Assistant District Attorney Garvan had characterized the killing of Stanford White as a "premeditated, deliberate and cowardly murder," Martin W. Littleton, for the defense, made the opening plea for the prisoner. His promise of new evidence was sensational. Mr. Littleton promised to force a chain of circumstances and to produce a line of testimony which will prove Harry K. Thaw undeniably insane at the time of the homicide. Evidence of hereditary insanity and of strange, unusual acts of Thaw was told of by Mr. Littleton, who said that physicians and nurses who had attended Thaw were hurrying here from Europe; that teachers of the defendant in childhood would be on hand to give their impressions of "the wide-eyed, distant boy."

In conclusion, Mr. Littleton challenged the District Attorney to produce a single reputable physician who would say that Thaw was not insane at the time he killed the noted architect. Mr. Littleton started the court-room by declaring that after Evelyn Nesbit had told him her story in Paris in 1903, Thaw "drenched himself with poison," and would have died but for the heroic work of three physicians, who labored over him all of one night. When Mr. Littleton started to plunge into the details of the case, he was interrupted by the girl whom Thaw married. Mr. Jerome was on his feet with an objection, Justice Dowling sustained him, and the name of the architect was not linked again with that of the defendant. Mr. Littleton, however, lightly upon the girl's story, as she told it to Thaw, but again drew an objection from the prosecuting officer, who said: "Mr. Littleton is now straying into stuff which, in my opinion, will be excluded." Again Justice Dowling sustained the objection.

He Nor Family Spared.
Mr. Littleton spared neither Thaw nor his family in his recital of the defendant's life history.

During the speech Thaw sat wide-eyed and pallid, looking fixedly at his counsel. Toward the end of the speech, rather displeased with something that was said, Mr. Littleton's speech was somewhat dramatic and impassioned at times, and was keenly followed by the jury. Thaw's ancestry, marked by decided traits of insanity, was traced to his grandfather, and his mother's side, according to his chief counsel, was drawn with great care, and then the defendant himself was pictured as irrational, erratic and insane as a boy, who, oscillating between "madness and darkness," fought unavailingly against the fever of insanity which coursed in his blood at birth. "I make no claims for this defendant above those of the average man," Mr. Littleton said, "but I say his life history is enough to free him from the charge that he was responsible for his act. Add to his history the heartbreaking episode of his love for Evelyn Nesbit, and you have a story which, flashed to the four quarters of the globe, made all the world that reads stand still and wonder, and I shall have no hesitancy in asking you if you have not a reasonable doubt as to whether or not the night of this deplorable tragedy, and upon that doubt I shall ask you for a verdict of not guilty."

INSANE WHILE ABROAD.

Mr. Littleton told of a trip abroad taken by Thaw in 1899, when he was in and insane. He came to Rome and Kondá, being under the care of physicians and nurses at each place, and declared he would produce these physicians and nurses, as far as possible, to tell their story. Teachers who had taught Thaw in his classes also will come, he said, to tell the jury about the early life and tendencies of the defendant. Describing the killing of Mr. White, Mr. Littleton said:

"That moment when I heard of him, had been set on fire by the stories he had heard. He had gone to the district attorney with them and to Mr. Comstock. They ran in his head, until, staggering under the chairs of madness, the blind confusion of insanity overcame him and he fired. The result was a murder, but the act of a mad man, who afterwards, wild-eyed and irrational, cried out in his cell that he had heard the madman's cry, and calling, and proclaimed that he had acted as an agent of Providence."

After his speech Mr. Littleton was asked in what manner he would attempt to prove Thaw sane at the present time. He offered such an accumulation of evidence as to progressive insanity up to the time of the killing. "I can only say that I will cross my bridges as I come to them. I can't ride two horses going in opposite directions at the same time," he replied.

The outline of the defense was generally considered as reflecting a determination on the part of Thaw's attorneys to prove him insane in 1906, regardless of all consequences. The first evidence for the defense, probably of a medical character, will be taken to-morrow morning. Prior to the opening of court to-day, a Russell Peabody, attorney for the defendant, had no application for a commission to go to Pittsburgh and take the testimony of Mrs. William Thaw would

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WHOLE NUMBER 17,804.

HIGHER THAN FOR YEARS

Big Rise at Lynchburg, But No Damage—Serious Results at Other Places.

LYNCHBURG, Va., January 13.—The highest freshet in the James River since March, 1902, was experienced here this morning, when the river reached 16.2 feet. The government gauge, by 11 o'clock it had fallen to 15.5 feet, and has been falling slowly all afternoon. The danger line here is eighteen feet, and no damage has been reported about the city. The flood is the result of the precipitation Saturday night, amounting to 1.55 inches, this water falling on the heavy snow which covered the mountains to the west of Lynchburg. The water began to rise yesterday, and last night at 8 o'clock it had reached a stage of eleven feet. Considerable surprise was felt this morning when it was found that the water had gone above sixteen feet.

The precipitation thus far this morning in the city averages 3.44 inches, which is 1.85 inches in excess of the normal rainfall for this time of year.

CITIES IN DARKNESS

Heavy Rain and Melting Snow Cause Serious Flood in the Shenandoah.

WINCHESTER, Va., January 13.—Winchester is in total darkness, so far as electricity is concerned to-night, on account of the high water. The Shenandoah River, partially inundating the plant of the Winchester and Washington City Electric Company. Berryville and Charlestown are also without electricity.

The melting snow and steady rains have caused the river to rise about twenty feet above normal. It has overflowed its banks and much damage has already been sustained. Several manufacturing plants in this vicinity have been shut down on account of no electric power.

THE POTOMAC QUITE HIGH

Passes Flood Stage at Harper's Ferry.

WASHINGTON, D. C., January 13.—The Potomac River at Harper's Ferry, Va., passed the flood stage to-day, when the water stood at 12.5 feet. The crest of the rise will reach this city to-morrow morning.

Reports to the Weather Bureau here state that good flood stage has been done in West Virginia by the overflowing of the Shenandoah River, which empties into the Potomac at Harper's Ferry.

Much Feed Is Ruined.

Special to The Times-Dispatch.

NORWOOD, NELSON COUNTY, Va., January 13.—The hard rain on Saturday night, together with the melting of the heavy snow which fell on the mountains last week, has brought the James River all over the low-grounds. It continued to rise slowly all the morning up to flood stage, and it is expected that the water will continue to rise for some time.

MRS. GIBB MAY RECOVER

Husband Denies Any Ground for Reported Attempt at Suicide.

WASHINGTON, D. C., January 13.—The condition of Mrs. Frank B. Gibb, who shot herself in the abdomen at Calverton, Va., Saturday, and was operated on at the Providence Hospital, in this city, yesterday morning, continues to improve, and her physicians say she has a fair chance to recover.

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FRANK W. CHRISTIAN STRICKEN BY DEATH

Most Eminent Lawyer in
Virginia Passes Away
After Brief Illness.

IN CONFERENCE ON SATURDAY

End Came at 10:30 o'Clock Last
Night as a Shock to His
Many Friends—His
Long and Brilliant
Record at the
Bar.

Mr. Frank Wood Christian, generally conceded to be the leader of the bar of Virginia, died last night at his home, No. 815 Park Avenue, after an illness of barely two days. Mr. Christian, who was in his fifty-seventh year, was in his usual robust health throughout the last week, and even though unwell for the last two days, his death came suddenly as a shock to his family and friends. Last Saturday night he met a number of gentlemen at the Jefferson Hotel to discuss a business matter, and took vigorous part in settling forth the legal aspects of the case. Returning to his home that night, he complained to his wife, Judge George L. Christian, of feeling unwell, and on Sunday and yesterday was confined to the house, his condition being at no time considered serious.

Mr. Christian was the son of the late Dr. Andrew H. and Mary A. Christian of this city, and was born in Richmond, at the home of his grandfather, Mr. Richard Whitfield, on January 3, 1851.

Was An Eminent Lawyer.
During his childhood his father made his home in Petersburg, and he entered the primary schools of that city, moving later to Richmond, where he entered Mr. Strother's classical school, from which he graduated. He took both the academic and law courses at the University of Virginia, graduating in law before the age of twenty-one. After securing his license to practice in Virginia he formed a law partnership with Mr. C. C. McRae, of Chesterfield county, with whom he continued for a short time. On the recommendation of his cousin, Judge H. B. Christian, from the bench of the Hustings Court, of Richmond, they formed a law partnership, dating from January 1, 1883, the firm rapidly becoming one of the most prominent in Virginia.

Christian's practice was always of a high type, he having conducted many contested cases in the Supreme Court and in the United States Courts, involving much corporation and industrial litigation, and he had always enjoyed the confidence and esteem of his associates, and had generally been regarded as one of the highest exponents of the principles of the law. His standing in the acknowledged position as the leader of the Virginia bar.

In Many Famous Cases.

There has hardly been a case of note in the last twenty years in which he had not been retained, his famous argument in the case of *Tennant v. Dunlop* being well remembered by Richmond attorneys. Mr. Christian was one of the counsel for the State of Virginia in relating the attacks made on the new Constitution, carrying his case triumphantly through the highest courts.

Recently he was appointed one of the State proxies for voting the shares of the State of Virginia in the Richmond, Fredericksburg and Potomac Railroad. In this capacity he had already taken steps to appear before the Legislature in opposition to any action that might be detrimental to the interests of the State.

Mr. Christian at various times had the offer of several judgeships, and at one time was tendered a seat in the Virginia Supreme Court, but consistently declined to hold any public office. He was an active member of the Virginia State Bar Association, and of the Westmoreland Commonwealth and Deep Run Hunt Clubs. Throughout his life he retained his affection for outdoor life, and rode a heavy saddle, keeping a number of fine saddle horses.

An Ardent Sportsman.
Mr. Christian, like his famous progeny, was an ardent sportsman, and perhaps no man in Virginia was better read or more conversant with sports than he. He was a student of the game, and he enjoyed the confidence and esteem of his associates.

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MRS. MARTIN'S WOUND FATAL

Quite Similar to That Which Ended
Life of President McKinley.

NEW YORK, January 13.—Mrs. Kathleen Martin, who was shot in the Hotel St. George, in Brooklyn, on Saturday by her husband, Arthur J. Martin, before he shot and killed himself, died at 7 o'clock this morning at the hospital.

Until a few hours before her death, the woman was conscious. Mrs. Frances Trevelyan, of Charlottesville, will have charge of the funeral of her niece, and will probably have the body removed to Charlottesville.

The wound which caused the death of Mrs. Martin is declared by the surgeons to have been almost identical with that which caused the death of President McKinley.

Surgeons said the bullet penetrated the stomach and liver and lodged in Mrs. Martin's spine.

From stories told to Coroner Henry Brewer by Harry Martin, a brother, and by a neighbor, it has been learned that the trouble between Martin and his wife was caused by family interference. Mrs. Martin's relatives in Charlottesville, Va., wanted her to spend six months of the year at Forest Lodge, the home of Francis Trevelyan, the well known racing man and steward at the City Park race-track, New Orleans. When Mrs. Martin was away her husband grew homesick, and they had more acrimonious ones when she returned. It was also learned that the pistol with which Martin killed himself, and shot his wife was the one with which Henry Martin, Jr., shot his father a few years ago.

A NEGRO'S GOOD LUCK

Uncashed a Tin Can Containing \$300 in Gold and Silver.

HIGH POINT, N. C., January 13.—A tin can full of gold and silver, supposed to have been buried during the Civil War, was unearthed here by a negro barber named George White. While walking down the railroad track in front of the Globe Home furniture factory his coat was caught by an iron rod driven down in the ground. This excited his curiosity, and upon examining the stick and pulling at it, he drew it out, and found it to be a tin can in which contained gold and silver to the amount of over \$300. The can was so rusty that a good portion of it had rotted away. Whether it was hid during the war or later by thieves, it is not probable that any one can claim it, and it has been turned over to the local authorities.

It is known for a certainty that big sums of money were hid here during the Civil War, and at different times people from other States have come here to look it up, but to no avail. Twelve wagonloads of copper were hauled from the spot here in the early morning hours of February, 1864, and buried 300 yards north of the depot. Sometime ago two gentlemen from Mississippi who helped to bury the copper were here, but could not locate it. It would bring at least \$10,000 to-day if it could be found.

FROZEN IN THE SNOW

Heavy Storm in Giles County and Two Boys Perish.

BRISTOL, Va., January 13.—A letter received here to-day from Mountain Lake, Giles county, Va., states that snow has fallen in the mountains there to the depth of three feet. Two boys, the sons of a local farmer, were found dead in the snow. On account of the remoteness of the scene the names of the boys have not been learned here.

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VIOLENT PROTEST FROM REPUBLICANS

Assignment of the Senate
Committees Not Satisfactory to Minority.

BUT LIST STANDS AS ANNOUNCED

Speaker Byrd's Appointments in
the House Generally Com-
mended—Not Much Ac-
tivity Along Line of
Investigation Is
Expected.

BY LEWIS H. MACHEN.
The announcement of committees, a few resolutions, a few speeches and a good many bills introduced, tells the story of yesterday's proceedings in the Legislature. The attendance was somewhat smaller than heretofore, because some members did not return from their homes in time to attend.

The session of yesterday was brief. The committees of the House, unlike those of the Senate, are absolutely determined by the presiding officer. Consequently they were accepted with general satisfaction. In the Senate, however, the minority speaking through their floor leader, Senator Noel, protested against what was termed a discrimination against the Republicans in the assignments made by the steering committee of the Senate.

The absence of any representative upon the Committee of Finance and Roads was the subject of especial complaint. Figures were presented showing that districts having assessed property of over \$50,000 were not represented, while other districts, with combined assessed property of less than half that amount, had two representatives on that committee. No reply was made to these suggestions, but by a recorded vote the report of the steering committee, approved by the Democratic caucus of the Senate, was adopted, seven Democrats voting with the four Republicans against its adoption.

In the House a joint resolution commending the character and public services of the late William H. Boaz, of Albemarle, and deploring his untimely death, was adopted and was concurred in by the Senate. Brief speeches were made in both houses, setting forth in moving terms the personal merits and public services of the deceased. Mr. Boaz was the ideal of an unpretentious and conscientious representative.

It was the consensus of opinion among those who had been associated with him in his work for the State that his death was a great loss to the Commonwealth. Many bills of importance were introduced in both houses, some of which will be considered in another column.

House was in session only thirty-five minutes and there was no general discussion of any kind.

WARMING UP IN THE SENATE

In the Senate there were several pretty little parliamentary contests over the reference of some bills to certain committees. The rulings of the president were given promptly and with general approval, and the usual course of reference was not disturbed.

Senator Gravatt offered a resolution looking to a joint session of the Road Committees of the two houses.

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LARGEST RESTAURANT

One to Be Established in New York
Seating 8,000.

NEW YORK, January 13.—Plans have been drawn and practically all the leases signed for what is to be the largest restaurant in the world, seating 8,000 persons. It will occupy the entire block on the west side of Broadway, from Forty-third to Forty-fourth Street. It will have a roof garden that is to be an exact reproduction in miniature of the gardens of the Trianon, at Versailles. The decorations of the main restaurant are to be on a grand scale, and the entire structure is to be exactly a plan of vastness and beauty never before attempted in this country.

Approximately \$4,000,000 will be the rental involved for the grounds and the buildings, which are to be leased from the Astor estate for twenty-one years, with the usual renewal privileges.

HANGED HERSELF TO A TREE

Suicide of the Wife of a Well-Known
Pittsylvania Farmer.

DANVILLE, Va., January 13.—Mrs. P. W. Emerson, wife of a well-known farmer residing near Fall Creek, this county, committed suicide early this morning by hanging herself to a small tree in the yard at her home. Mr. Emerson and his wife arose about 5 o'clock this morning and the former went to the stable to feed the horses. When he returned a few minutes later for breakfast, his wife was absent. A search found her limp and still warm body hanging to a tree. The dead was committed with rope only a few feet from the ground, and was so strangled. Mrs. Emerson has been in feeble health for some time, and last November made an unsuccessful effort to end her life by drinking laudanum. She was about fifty years of age, and leaves a husband and eight children.

SAME AS NORTH CAROLINA

Cost Line Gives Assurance Its Rates
Will Be Made the Same.

COLUMBIA, S. C., January 13.—Alexander Hamilton, first vice-president of the general council of the Atlantic Coast Line Railway, said to-day at a conference held with Governor Ansel, the Railroad Commission and Attorney-General Lyon, that his road would voluntarily put on in South Carolina the same passenger rates as would be applied in North Carolina, where an extra session of the Legislature had been called by Governor Glenn to consider the situation.

Whether the rates were reached by agreement or statute, said Mr. Hamilton, the same rates will be allowed South Carolina. It is understood that the proposition made to North Carolina called for the same rates as the Southern Railway will give to South Carolina about April 1st.

EXPECTS TAFT TO WIN

Alabama Democrat Thinks He Is Only
Man Who Can Defeat Bryan.

COLUMBUS, O., January 13.—"The Republicans of Alabama have but one candidate for President, and that is William H. Taft," said Henry B. Gray, Democratic Lieutenant-Governor of Alabama, who passed through Columbus to-day. He said further: "The South is for Bryan for the Democratic nominee, and I believe he will be the choice of the convention. If he is the Republicans have but one man who can beat him, and that man is Taft. He appears to be popular, not only throughout the South, but in the other parts of the country I have visited. I feel that I am a Democrat, that if he is nominated he will be surely elected, and, I regard his nomination as assured."

A BRUTAL FATHER

Kicks His Eighteen-Year-Old Daughter
Into Insensibility.

DURHAM, N. C., January 13.—Most horrible circumstances surround a crime committed in this city to-day, when a father, John H. Vaughan, of the city, kicked his eighteen-year-old daughter, Miss Lily Vaughan. He injured her so badly that the physicians hardly entertain any hope for recovery, although she is resting very well to-night. Vaughan stamped her foot so hard and kicked her in the face until her tongue protruded, causing blood to rush out of her nose and mouth. Her face and neck were badly swollen, and she was unconscious for over an hour. Vaughan was sent to the hospital, and a preliminary investigation this morning in default of bond. He will probably remain in jail until the May term of court, when he will be given a trial.

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NEAR HUNDRED ARE BURNED IN THEATRE FIRE

Great Number of Women
and Children
Trampled and
Cremated.

SUNDAY SCHOOL AT BIG BENEFIT

Explosion of Tank Creates Panic,
and Actors in Effort to Restore
Quiet, Knock Over Oil Foot-
lights, Setting Fire to the
Opera-House—Scenes
of Horror.

BOYERTOWN, Pa., January 13.—A Catastrophe, horrifying in its details and sickening in its result, to-night swept nearly 100 souls of this borough into eternity in almost the twinkling of an eye, and injured nearly three score, many of them fatally.

A majority of the killed were members of the leading families. While the Scottish Reformation was being produced in Rhoades Opera House by Mrs. Monroe, of Washington, a tank used in a moving-picture scene exploded. Immediately there was a wild rush for the exits of the building. Men of mature years endeavored to still the panic, but their voices could not be heard above the shrieks and screams of the terrified women and children, who composed the greater part of the audience.

The House Taken Fire.
The scenes cannot be portrayed fittingly by the most imaginative. The blood-curdling cries for help of those who were penned within the walls of the blazing structure could be heard above the roaring, seething flames. It seemed as though nearly the entire audience made a mad rush for the exits the moment the explosion occurred. In their attempt to quiet the great crowd, those persons who were on the stage accidentally upset the coal oil lamps used as the foot-lights. The burning oil scattered in all directions, and the lamps, which were used to light the Opera House, exploded, throwing the blazing oil over the terror-stricken people who were fighting frantically to gain the exits.

In the mad rush a section of the floor gave way, precipitating scores of persons to the basement. It was scarcely five minutes from the time of the explosion of the tank until the structure seemed a roaring furnace. There was a mad scramble for the stairway leading from the balcony, and scores of women and children were knocked down and trampled upon. At least fifty persons risked their lives by jumping from the windows. Limbs were broken and skulls were crushed by the daring method of escape.

Crowds of Children.
The opera-house was crowded with the members of St. John's Lutheran Sunday school, and many of the children were given for that church.

While the show was in progress a tank exploded. The actors endeavored to quiet the audience, but in their anxiety to make themselves heard and avoid the worst of the stampede of the women and children, the coal oil lamps, which were used as the foot lights, were overturned, setting the place on fire. The flames, fed by the oil, shot wild to the ceiling and there was a wild rush of the 700 persons to escape from the burning building. Scores of women and children were trampled upon, and several who escaped being burned to death after being dragged from the opera-house. In many cases, it is said, entire families have been wiped out.

A Scene of Horror.
The scene which followed the explosion is indescribable. Scores of persons, who were in the balcony, at the time the explosion occurred, jumped from the windows and sustained fractured limbs and skulls. To add to the terrible disaster, the fire apparatus became disabled and the structure was left entirely to the mercy of the seething flames. It is almost certain that a vestige of the bodies of the unfortunate who were overcome by the smoke and perished will ever be found. Assistance was asked from Pottstown, but before the fire apparatus from that city reached this place the entire centre of the structure was a roaring furnace. Had the women and children heeded the warning of the horrible loss of life might have been avoided, but there was the usual panic and stampede which invariably follows such a catastrophe.

Many Trampled Under Foot.
The flames spread rapidly and communicated to the other parts of the theatre. Men, women and children rushed for the many exits, and the weaker sex and the children were trampled and maimed in the mad rush to gain the street.

Assistance was at once asked of both Reading and Pottstown, and special teams carrying nurses and doctors were rushed to the scene of the disaster. Every home within a radius of half a dozen blocks of the opera house was made a temporary hospital, where the wounded were rushed by barriages and other means of conveyance.

Boyers town is a borough with a population of about 2,500, and is located about midway between Pottstown and Reading. The fire is the yet unexplained, but it is not thought it will be communicated to other property, as the opera house is on a plot of ground by itself. Hundreds of persons sur-